

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff

v.

CHIPOTLE SERVICES, LLC, and
CHIPOTLE MEXICAN GRILL, INC.,

Defendants.

CIVIL ACTION NO.

COMPLAINT

[JURY TRIAL DEMAND]

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex (female) and to provide appropriate relief to Charging Party Hanson (“Hanson”) and a class of similarly aggrieved female employees, including at least three who were underage at the time, who were adversely affected by such practices. Plaintiff Equal Employment Opportunity Commission (“Plaintiff” or “EEOC”) alleges that Defendant Chipotle Services, LLC and Defendant Chipotle Mexican Grill, Inc. (collectively, “Defendants” or “Chipotle”): (1) subjected Hanson and class members to unlawful harassment and a hostile work environment based on sex (female); and (2) constructively discharged Hanson and at least one class member. Plaintiff seeks monetary relief for Hanson and class members, including pecuniary damages, nonpecuniary compensatory damages, punitive damages, back pay and prejudgment interest, and injunctive relief.

JURISDICTION AND VENUE

1
2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
3 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of
4 Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5(f)(1) and (3) (“Title VII”), and
5 pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

6 2. The employment practices alleged to be unlawful were committed within the
7 jurisdiction of the United States District Court for the Western District of Washington.
8

PARTIES

9
10 3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the
11 United States of America charged with the administration, interpretation and enforcement of
12 Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title
13 VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42
14 U.S.C. § 1981a.

15
16 4. At all relevant times, Defendant Chipotle Services, LLC (“Chipotle Services”) has
17 been a corporation continuously doing business in the State of Washington and employing at
18 least fifteen (15) employees.

19 5. At all relevant times, Chipotle Services has continuously been an employer
20 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
21 Title VII, 42 U.S.C. §§ 2000e-(b), (g) and (h).

22 6. At all relevant times, Defendant Chipotle Mexican Grill, Inc. (“Chipotle Mexican
23 Grill”) has been a corporation continuously doing business in the State of Washington and
24 employing at least fifteen (15) employees.

25 7. At all relevant times, Chipotle Mexican Grill has continuously been an employer

engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-(b), (g) and (h).

8. Defendants Chipotle Mexican Grill, Inc. and Chipotle Services, LLC are a chain of fast casual restaurants in the United States, United Kingdom, Canada, Germany, and France, specializing in tacos and burritos. Defendant Chipotle Services, LLC is a wholly-owned subsidiary of Chipotle Mexican Grill, Inc.

ADMINISTRATIVE PROCEDURES

9. More than thirty (30) days prior to the institution of this lawsuit, Hanson filed Charge No. 551-2020-02862 with the EEOC alleging violations of Title VII by Chipotle. The EEOC investigated the charge filed by Hanson, issued Chipotle a Letter of Determination on August 4, 2021 finding reasonable cause to believe Title VII was violated with regard to Hanson and a class of similarly aggrieved female employees, and invited Chipotle to explore informal methods of conciliation to eliminate the unlawful employment practices and to provide appropriate relief. The EEOC then communicated with Chipotle to provide Chipotle the opportunity to remedy the discriminatory practices described in the EEOC's Letter of Determination. The EEOC was unable to secure an acceptable conciliation agreement with Chipotle. On September 10, 2021, the EEOC issued a Notice of Failure of Conciliation to Chipotle for the charge. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

10. Since at least October 2019, Defendants have engaged in unlawful employment practices because of sex in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by

1 subjecting Hanson, and similarly aggrieved female employees to sexual harassment and a hostile
2 work environment based on sex, and by causing the constructive discharge of Hanson, and
3 similarly aggrieved female employees.

4 11. The practices complained of in paragraph 10 include but are not limited to the
5 following:

- 6 a. Defendants allowed a 29-year old male service manager assigned to the
7 Sammamish, Washington store, and 24-year old male crew member assigned
8 to the Issaquah, Washington store, to subject Hanson, and other similarly
9 aggrieved female employees to unwelcome verbal and physical sexual
10 conduct.
11
- 12 b. Starting in or around October 2019, the male Sammamish service manager
13 sexually harassed a 17-year-old female employee, including telling her he
14 liked the way her ass moved, suggesting she sit on his lap, and asking her for a
15 lap dance when she requested a work break. The Sammamish service
16 manager escalated his harassment of the 17-year old female employee by
17 touching and kissing her, and ultimately, sexually assaulting her one night
18 while they were closing the store.
19
- 20 c. Starting in or around November 2019, the male Sammamish service manager
21 sexually harassed a second underage female employee, including staring at
22 her, making comments about her physical appearance and suggesting that he
23 wanted to have sex with her. The same female employee also heard that the
24 male service manager behaved inappropriately towards other female
25 employees, including touching their bodies.

- 1 d. Starting in or around January 2020, the male Sammamish service manager
2 sexually harassed a third underage female employee. He commented about
3 her butt and the bodies of other female workers. He cornered her in the walk
4 in freezer and refused to let leave. She needed to push her way past him to
5 exit.
- 6 e. Starting in February 2020, the male Sammamish service manager subjected
7 Hanson to frequent, unwelcome comments of a sexual nature. For example, he
8 called Hanson a “piece” and described his sexual activities with his girlfriend.
- 9 f. In May 2020, the male Sammamish service manager escalated his harassment
10 of Hanson. On May 15, 2020, he touched Hanson on the behind. On or about
11 May 16, 2020, he trapped Hanson in the walk-in freezer and Hanson needed
12 to push past him to get out of the freezer.
- 13 g. Starting in or around May 2020, Defendants temporarily reassigned a male
14 Issaquah crew member to work at the Sammamish store, where he subjected
15 Hanson, and other female employees to multiple instances of unwelcome
16 comments of a sexual nature, invasion of their physical space and unwelcome
17 physical contact.
- 18 h. He called Hanson and other female employees names like “mama,”
19 “sweetheart,” “baby girl” and “honey,” and commented about female
20 workers’ bodies. The male crew member also asked Hanson if her wrist pain
21 was due to her masturbating too much because he had the same problem.

22 12. Defendants knew of the male Sammamish store manager’s and male Issaquah
23 crew member's offensive and unwelcome sexual conduct towards Hanson and similarly
24
25

1 aggrieved female employees and failed to take prompt or appropriate corrective action to prevent
2 or remedy the hostile work environment they created:

- 3 a. In October 2019, a female service manager notified the Sammamish General
4 Manager that the male service manager may have been pursuing an
5 inappropriate relationship with a 17-year old female employee.
6
7 b. Despite this warning, the General Manager failed to conduct a reasonable
8 investigation. Instead, the General Manager advised the 17-year old female
9 employee that she might be fired for having an inappropriate relationship with
10 the male service manager and told her that other females had already asked
11 not to be scheduled to work with him because he made them uncomfortable.
12
13 c. The General Manager then: (1) continued to schedule the male service
14 manager and the 17-year old female employee for closing shifts together; (2)
15 did not follow-up with the female employee to ensure her safety while
16 working on the closing shift; and (3) did not investigate why other female
17 employees did not want to work with the male service manager or why he
18 made them uncomfortable.
19
20 d. After the General Manager failed to take prompt and effective action to stop
21 the male Sammamish service manager's harassment of the 17-year old female
22 employee, he escalated his harassment of her in November 2019, including
23 sexually assaulting her again while they were closing the store, and after that
24 explicitly describing to her what he wanted to do to her sexually.
25
e. In January 2020, one of the 17-year old female employees complained to the
Sammamish General Manager about the sexual harassment by the male

1 service manager. The General Manager again failed to: (1) investigate her
2 complaint; (2) document her complaint, and (3) discipline the service
3 manager.

4 f. In May 2020, Hanson complained to the new Sammamish General Manager
5 after the male service manager escalated his harassment of Hanson, including
6 him touching Hanson on the behind and trapping Hanson in the walk-in
7 freezer.

8 g. On or around June 1, 2020, Hanson and a female employee complained to the
9 Sammamish General Manager about being harassed by the male Issaquah
10 crew member. The General Manager said she would talk to him and return
11 him to the Issaquah store.

12 h. But Defendants did not act promptly, and he continued working with Hanson
13 and other female employees at the Sammamish store, where he angrily and
14 aggressively confronted them about their harassment complaint, getting close
15 and touching them on their backs, sides and brushing up against Hanson.

16 i. Concerned by Defendants' failure to act promptly on or about June 1, 2020,
17 Hanson also notified the General Manager of the Issaquah store about the
18 male crew member's sexual harassment of female employees.

19 j. Even then, despite that the general managers of both the Sammamish and
20 Issaquah stores knew about the crew member's sexual harassment and
21 aggressive behavior, Defendants assigned him to work at their South Center
22 store pending their investigation of the harassment complaints against him.
23
24
25

13. By early June 2020, Defendants' failure to take prompt or appropriate corrective

1 action to prevent or remedy the hostile work environment created by the male Sammamish
2 service manager's and the male Issaquah crew member's offensive and unwelcome sexual
3 conduct caused Hanson, and similarly aggrieved female employees to fear for their physical
4 safety and made working conditions so intolerable they felt forced to resign.

5 14. The effect of the practices complained of in paragraphs 10–13 above has been to
6 deprive Hanson, and similarly aggrieved female employees of equal employment opportunities
7 and otherwise adversely affect their status as employees because of their sex (female).
8

9 15. The unlawful employment practices complained of in paragraphs 10–13 were and
10 are intentional.

11 16. The unlawful employment practices complained of in paragraphs 10–13 above
12 were done with malice or with reckless indifference to the federally protected rights of Hanson,
13 and similarly aggrieved female employees
14

15 PRAYER FOR RELIEF

16 Wherefore, the Commission respectfully requests that this Court:

17 A. Grant a permanent injunction enjoining Defendants, their officers, agents,
18 successors, assigns, and all persons in active concert or participation with it, from engaging in
19 any employment practices which discriminate based on sex, female, including sexual
20 harassment.
21

22 B. Order Defendants to institute and carry out policies, practices, and programs
23 which provide equal employment opportunities for all employees because of their sex (female).
24

25 C. Order Defendants to make whole Hanson, and similarly aggrieved female
employees by providing appropriate back pay with prejudgment interest, in amounts to be
determined at trial, and other affirmative relief necessary to eradicate the effects of their

unlawful employment practices.

D. Order Defendants to make whole Hanson, and similarly aggrieved female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 10–16 above, including past and future out-of-pocket losses, in amounts to be determined at trial.

E. Order Defendants to make whole Hanson, and similarly aggrieved female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 10–16 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay Hanson, and similarly aggrieved female employees punitive damages for their malicious and reckless conduct, as described in paragraphs 10–16 above in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 9th day of March 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

DATED this 9th day of March 2022

/s/ Rebecca Eaton

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